

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:13-CR-223-JAD-(PAL)
)
SAMUEL ONTIVEROS,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on August 4, 2014, defendant SAMUEL ONTIVEROS pled guilty to Count One of a One-Count Indictment charging him Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Indictment, ECF No. 1; Change of Plea, ECF No. 36; Plea Agreement, ECF No. 38.

This Court finds defendant SAMUEL ONTIVEROS agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Indictment. Indictment, ECF No. 1; Change of Plea, ECF No. 36; Plea Agreement, ECF No. 38.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Indictment and the offense to which defendant SAMUEL ONTIVEROS pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

...

- 1 1. a Glock model 26 9mm semi-automatic pistol, serial number PTF986; and
- 2 2. any and all ammunition
- 3 (all of which constitutes “property”).

4 This Court finds the United States of America is now entitled to, and should, reduce the
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
7 United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
9 SAMUEL ONTIVEROS in the aforementioned property is forfeited and is vested in the United States
10 of America and shall be safely held by the United States of America until further order of the Court.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
12 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
13 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
14 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
15 name and contact information for the government attorney to be served with the petition, pursuant to
16 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
18 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
19 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the
20 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
21 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s
22 right, title, or interest in the forfeited property and any additional facts supporting the petitioner’s
23 petition and the relief sought.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
25 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
26 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days

1 after the first day of the publication on the official internet government forfeiture site,
2 www.forfeiture.gov.

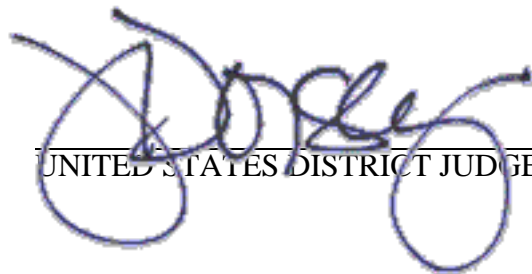
3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
4 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
5 following address at the time of filing:

6 Michael A. Humphreys
7 Assistant United States Attorney
8 Daniel D. Hollingsworth
9 Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
11 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
12 following publication of notice of seizure and intent to administratively forfeit the above-described
13 property.

14 DATED this 13th day of August, 2014.

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UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I, Mary Stolz, Forfeiture Support Associates Paralegal, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on August 6, 2014, by the below identified method of service:

Electronic Filing

William C. Carrico
Federal Public Defender
411 E. Bonneville, Suite 250
Las Vegas, NV 89101
William_Carrico@fd.org
Counsel for Samuel Ontiveros

/s/ Mary Stolz
Mary Stolz
Forfeiture Support Associates Paralegal